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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**DECLARATION OF AMY H. CANDIDO  
IN SUPPORT OF CISCO'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

1 I, Amy H. Candido, declare as follows:

2 1. I am a partner at the law firm Quinn Emanuel Urquhart & Sullivan, LLP (“Quinn  
3 Emanuel”), counsel for Plaintiff Cisco Systems, Inc. (“Cisco”) in this action. I make this  
4 declaration in support of Cisco’s Motion for Partial Summary Judgment. I make this declaration  
5 based on my own personal knowledge. If called as a witness, I could and would testify  
6 competently to the matters set forth herein.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of a June 19, 2014 Arista  
8 document entitled “Development Environment AID 9,” bearing Bates numbers ANI-ITC-  
9 944\_945-0152061 through ANI-ITC-944\_945-0152068.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of June 7, 2012 Arista  
11 document entitled “Arastra CLI AID149,” bearing Bates numbers ANI-ITC-944\_945-1365311  
12 through ANI-ITC-944\_945-1365316.

13 4. Attached hereto as Exhibit 3 is a true and correct copy of a March 4, 2014 email  
14 from Suneel Venati to Richard Whitney, Anshul Sadana, Amanda Wheaton and others with thread  
15 bearing Bates numbers ANI-ITC-944\_945-3351165 through ANI-ITC-944\_945-3351170.

16 5. Attached hereto as Exhibit 4 is a true and correct copy of May 7, 2009 email from  
17 Andreas Bechtolsheim to Kenneth Duda, Anshul Sadana, and David Cheriton with thread bearing  
18 Bates numbers ANI-ITC-944\_945-3468759 through ANI-ITC-944\_945-3468761.

19 6. Attached hereto as Exhibit 5 is a true and correct copy of a March 30, 2010 email  
20 from Anshul Sadana to eng@aristanetworks.com, ce@aristanetworks.com, and Mike Francini  
21 bearing Bates number ANI-ITC-944\_945-3473603.

22 7. Attached hereto as Exhibit 6 is a true and correct copy of a July 12, 2010 email  
23 from Adam Sweeney to Kenneth Duda with thread bearing Bates numbers ANI-ITC-944\_945-  
24 3599339 to ANI-ITC-944\_945-3599340.

8. Attached hereto as Exhibit 7 is a true and correct copy of a July 13, 2009 email from Jayshree Ullal to Kenneth Duda, Andreas Bechtolsheim, and David Cheriton with thread bearing Bates numbers ANI-ITC-944\_945-3927203 through ANI-ITC-944\_945-3927206.

9. Attached hereto as Exhibit 8 is a true and correct copy of a July 24, 2008 email from Sean Hafeez to Andre Pech, Lorenz Redlefsen, sw@arastra.com, and tac@arastra.com with thread bearing Bates numbers ANI-ITC-944\_945-3937682 to ANI-ITC-944\_945-3937685.

10. Attached hereto as Exhibit 9 is a true and correct copy of a November 2, 2015 Arista document entitled, “Arista Response to Sourcing Event for Leaf; Addendum A: Arista Executive Summary,” bearing Bates numbers ARISTANDCA\_SW\_10599829 through ARISTANDCA\_SW\_10599849.

11. Attached hereto as Exhibit 10 is a true and correct copy of June 20, 2012 email from Lincoln Dale to Ariff Premji, Kenneth Duda, Anshual Sadana, and Nathan Kitchen with thread bearing Bates numbers ARISTANDCA10113782 through ARISTANDCA10113783.

12. Attached hereto as Exhibit 11 is a true and correct copy of a February 20, 2014 email thread including Benoit Sigoure, Jacopo Cesareo, and others bearing Bates number ARISTANDCA10193553.

13. Attached hereto as Exhibit 12 is a true and correct copy of September 11, 2013 email thread between Adam Sweeney and Bill Fenner bearing Bates number ARISTANDCA10384101.

14. Attached hereto as Exhibit 13 is a true and correct copy of an April 18, 2011 email from Adam Sweeney to Suneel Venati, Anshul Sadana, and others with thread bearing Bates number ARISTANDCA10443784.

15. Attached hereto as Exhibit 14 is a true and correct copy of a May 17, 2011 email from Adam Sweeney to Kalyan Nidumolu, Michael Greenwald, Greg Joyce, and others with thread bearing Bates numbers ARISTANDCA10446381 through ARISTANDCA10446382.

1           16.     Attached hereto as Exhibit 15 is a true and correct copy of a July 21, 2009 email  
2 from Kenneth Duda to Anshul Sadana, Sean Hafeez, Adam Sweeney, and 'Software' email alias  
3 with thread bearing Bates numbers ARISTANDCA10499890 to ARISTANDCA10499894.

4           17.     Attached hereto as Exhibit 16 is a true and correct copy of a June 16, 2010 email  
5 from Adam Sweeney to Matthew Murray, Kenneth Duda, Daniel Imfeld, and Saurabh  
6 Abichandani with thread bearing Bates numbers ARISTANDCA10525014 through  
7 ARISTANDCA10525015.

8           18.     Attached hereto as Exhibit 17 is a true and correct copy of an August 24, 2010  
9 email from Adam Sweeney to Hua Zhong, Bill Fenner, Fred Xia, and Sankaraman Janakiraman  
10 with thread bearing Bates numbers ARISTANDCA10537469 through ARISTANDCA10537470.

11           19.     Attached hereto as Exhibit 18 is a true and correct copy of a September 7, 2006  
12 email from bugzilla-daemon@arastra.com to asadana@arastra.com bearing Bates number  
13 ARISTANDCA11406349.

14           20.     Attached hereto as Exhibit 19 is a true and correct copy of a September 30, 2008  
15 email from Anshul Sadana to Jayshree Ullal, Sean Hafeez, and Dave Heyman with thread bearing  
16 Bates numbers ARISTANDCA11417372 through ARISTANDCA11417374.

17           21.     Attached hereto as Exhibit 20 is a true and correct copy of an August 12, 2010  
18 email from Kenneth Duda to Aaron Bawcom and Mike Wronksi with thread bearing Bates  
19 numbers ARISTANDCA11992998 through ARISTANDCA11992999.

20           22.     Attached hereto as Exhibit 21 is a true and correct copy of a November 21, 2011  
21 email from amod@aristanetworks.com to Kenneth Duda and Dave Heyman bearing Bates  
22 numbers ARISTANDCA11996919 through ARISTANDCA11996921.

23           23.     Attached hereto as Exhibit 22 is a true and correct copy of a January 28, 2009 email  
24 from Sean Hafeez to Adam Sweeney and others and thread bearing Bates number  
25 ARISTANDCA12060827.

1           24.     Attached hereto as Exhibit 23 is a true and correct copy of a March 23, 2010 email  
2 from Kenneth Duda to Jayshree Ullal, Mansour Karam, and Anshul Sadana and thread bearing  
3 Bates numbers ARISTANDCA12063725 through ARISTANDCA12063726.

4           25.     Attached hereto as Exhibit 24 is a true and correct copy of a January 21, 2014 email  
5 with attachments from Donna Overstreet to Mark Foss bearing Bates numbers  
6 ARISTANDCA12228912 through ARISTANDCA12228928.

7           26.     Attached hereto as Exhibit 25 is a true and correct copy of a January 15, 2009 email  
8 from Mark Foss to danieljw@gmail.com and thread bearing Bates number  
9 ARISTANDCA12260617.

10          27.     Attached hereto as Exhibit 26 is a true and correct copy of an April 14, 2006 email  
11 from James Lingard to eng bearing Bates number ARISTANDCA12426192.

12          28.     Attached hereto as Exhibit 27 is a true and correct copy of a March 20, 2014  
13 Fortune magazine article entitled, "An ex-Cisco exec reflects," bearing Bates numbers CSI-CLI-  
14 00356028 through CSI-CLI-00356033.

15          29.     Attached hereto as Exhibit 28 is a true and correct copy of a February 22, 2013  
16 NetworkWorld article entitled, "How Arista Networks got out in front of the SDN craze," bearing  
17 Bates numbers CSI-ANI-00381280 through CSI-ANI-00381283.

18          30.     Attached hereto as Exhibit 29 is a true and correct copy of the December 9, 2014  
19 transcript of a Arista Networks presentation featuring Arista CEO Jayshree Ullal entitled, "Anet –  
20 Arista Networks Inc. Arista Networks Inc at Barclays Global Tech Conference," bearing Bates  
21 numbers CSI-CLI-00357842 through CSI-CLI-00357855.

22          31.     Attached hereto as Exhibit 30 is a true and correct copy of a November 5, 2013  
23 internet posting by Kenneth Duda entitled "Linux as a Switch Operating System: Five Lessons  
24 Learned," bearing Bates numbers CSI-CLI-00540078 through CSI-CLI-00540079.



1           40.     Attached hereto as Exhibit 39 is a true and correct copy of Arista Networks, Inc.,  
2 Annual Report (Form 10-K) (Feb. 25, 2016) (available at  
3 [http://d1lge852tjjqow.cloudfront.net/CIK-0001596532/65a300e3-08e8-4b07-b8db-](http://d1lge852tjjqow.cloudfront.net/CIK-0001596532/65a300e3-08e8-4b07-b8db-9954ef4c14b8.pdf?noexit=true)  
4 [9954ef4c14b8.pdf?noexit=true](http://d1lge852tjjqow.cloudfront.net/CIK-0001596532/65a300e3-08e8-4b07-b8db-9954ef4c14b8.pdf?noexit=true)).

5           41.     Attached hereto as Exhibit 40 is a true and correct copy of an August 28, 2012  
6 email from [kartik@aristanetworks.com](mailto:kartik@aristanetworks.com) to [kduda@aristanetworks.com](mailto:kduda@aristanetworks.com), [networktools-](mailto:networktools-dev@aristanetworks.com)  
7 [dev@aristanetworks.com](mailto:dev@aristanetworks.com), and [hcm@aristanetworks.com](mailto:hcm@aristanetworks.com) bearing the Bates number  
8 ARISTANDCA12002592.

9           42.     Attached hereto as Exhibit 41 is a true and correct copy of excerpts from the June  
10 3, 2016 expert report of John R. Black, Jr.

11           43.     Attached hereto as Exhibit 42 is a true and correct copy of Arista Networks  
12 presentation slides from the 2013 QuestNet conference, presented by Lincoln Dale bearing Bates  
13 numbers CSI-CLI-01715053 through CSI-CLI-01715108.

14           44.     Attached hereto as Exhibit 43 is a true and correct copy of an Arista presentation  
15 slides bearing Bates numbers CSI-CLI-01715053 through CSI-CLI-01715108.

16           45.     Attached hereto as Exhibit 44 is a true and correct copy of excerpts from the  
17 November 20, 2015 deposition transcript of Kirk Loughheed.

18           46.     Attached hereto as Exhibit 45 is a true and correct copy of Sadana Deposition  
19 Exhibit 382, and Arista presentation slides, "Startup, Configuration, and Troubleshooting".

20           47.     Attached hereto as Exhibit 46 is a true and correct copy of excerpts from the March  
21 17, 2016 deposition transcript of Anshul Sadana.

22           48.     Attached hereto as Exhibit 47 is a true and correct copy of excerpts from the  
23 January 29, 2016 deposition transcript of Adam Sweeney.

1           49.     Attached hereto as Exhibit 48 is a true and correct copy of Defendant Arista  
2 Networks, Inc.'s Further Supplemental Responses to Plaintiff Cisco Systems, Inc.'s First, Third  
3 and Fourth Set of Interrogatories (Nos. 10-12, 13, 15-18, & 21).

4           50.     Attached hereto as Exhibit 49 is a true and correct copy of cisco Systems  
5 ASM/AGS User Manual and Configuration Guide, Version 5.2, dated July 20, 1986 bearing Bates  
6 numbers CSI-CLI-00358622 through CSI-CLI-00358654.

7           51.     Attached hereto as Exhibit 50 is a true and correct copy of excerpts from the May  
8 2, 2016 deposition transcript of Balaji Venkatraman.

9           52.     Attached hereto as Exhibit 51 is a true and correct copy of an October 15, 2009  
10 email from Mark Foss to Theresa Ende and luke@aristanetworks.com with thread bearing Bates  
11 numbers ARISTANDCA12265213 through ARISTANDCA12265217

12           53.     Attached hereto as Exhibit 52 is a true and correct copy of a July 8, 2015 email  
13 with attachments from Ashwin Kohli to Tony Bauman and others bearing Bates numbers  
14 ARISTANDCA13004347 through ARISTANDCA13004370.

15           54.     Attached hereto as Exhibit 53 is a true and correct copy of a October 9, 2012 email  
16 from David McLeod to Lincoln Dale and others and thread bearing BATES numbers  
17 ARISTANDCA10120802 through ARISTANDCA10120803.

18           55.     Attached hereto as Exhibit 54 is a true and correct copy of Amended Exhibit F to  
19 Cisco's Eighth Supplemental Response to Interrogatory No. 16 and Response to Interrogatory No.  
20 19, served on April 3, 2016.

21           56.     Attached hereto as Exhibit 55 is a true and correct copy of Plaintiff Cisco Systems,  
22 Inc.'s Supplemental Objections and Responses to Defendant Arista Networks, Inc.'s Interrogatory  
23 Nos. 2-10, served on May 27, 2016.

24           57.     Attached hereto as Exhibit 56 is a true and correct copy of Copyright Table and  
25 Registrations.



58. Attached hereto as Exhibit 57 is a true and correct copy of Interrogatories 16 and 19 of Defendant Arista Networks, Inc.'s Further Supplemental Responses to Plaintiff Cisco Systems, Inc.'s First, Third and Fourth Set of Interrogatories (Nos. 10-12, 13, 15-18, & 21), served on May 27, 2016.

59. Attached hereto as Exhibit 58 is a true and correct copy of Plaintiff Cisco Systems Inc.'s Corrected Supplemental Objections and Responses to Defendant Arista Networks, Inc.'s Interrogatory Nos. 21, 24 & 25, served June 3, 2016.

60. Attached hereto as Exhibit 59 is a true and correct copy of of 3Com Switch 4500 Quick Reference Guide, published January 2007 available at <http://h10032.www1.hp.com/ctg/Manual/c02608750>.

61. Attached hereto as Exhibit 60 is a true and correct copy of a product data sheet entitled, "Avaya Ethernet Routing Switch 3500 Series," available at <https://www.avaya.com/usa/documents/avaya-ethernet-routing-switch-3500-series-lb7028.pdf>.

62. Attached hereto as Exhibit 61 is a true and correct copy of an article from Cyber Smashup entitled, "First Steps with Arista Networks," dated January 20, 2014 and available at <https://cybermashup.com/2014/01/20/first-steps-with-arista-networks/>.

63. Exhibit 62 has been intentionally left blank.

64. Exhibit 63 has been intentionally left blank.

65. Attached hereto as Exhibit 64 is a true and correct copy of excerpts from the deposition transcript of Andreas Bechtolsheim reported on May 25, 2016.

66. Attached hereto as Exhibit 65 is a true and correct copy of excerpts from the deposition transcript of Mark Edward Berly reported on April 5, 2016.

67. Attached hereto as Exhibit 66 is a true and correct copy Attached hereto as Exhibit 66 is a true and correct copy of excerpts from the deposition transcript of Lincoln Dale reported on January 21, 2016.

1           68.     Attached hereto as Exhibit 67 is a true and correct copy of excerpts from the  
2 deposition transcript of Kenneth Duda reported on February 12, 2016.

3           69.     Attached hereto as Exhibit 68 is a true and correct copy of excerpts from the  
4 deposition transcript of Mark Foss reported on February 4, 2016.

5           70.     Attached hereto as Exhibit 69 is a true and correct copy of excerpts from the  
6 deposition transcript of Sean Hafeez reported on April 21, 2016.

7           71.     Attached hereto as Exhibit 70 is a true and correct copy of excerpts from the  
8 deposition transcript of Hugh Holbrook reported on February 19, 2016.

9           72.     Attached hereto as Exhibit 71 is a true and correct copy of excerpts from the  
10 deposition transcript of Devadas Patil reported on February 21, 2016.

11          73.     Attached hereto as Exhibit 72 is a true and correct copy of excerpts from the  
12 deposition transcript of Lorenz Redlefsen reported on April 15, 2016.

13          74.     Attached hereto as Exhibit 73 is a true and correct copy of excerpts from the  
14 deposition transcript of Abhay Roy reported on December 18, 2015.

15          75.     Attached hereto as Exhibit 74 is a true and correct copy of excerpts from the  
16 deposition transcript of Jayshree Ullal reported on February 25, 2016.

17          76.     Attached hereto as Exhibit 75 is a true and correct copy of excerpts from the  
18 deposition transcript of Jayshree Ullal reported on August 12, 2015, in connection with the U.S.  
19 International Trade Commission Investigation Nos. 337-TA-944 and 337-TA-945.

20          77.     Attached hereto as Exhibit 76 is a true and correct copy of excerpts from the  
21 deposition transcript of Mike Volpi reported on June 22, 2016.

22          78.     Attached hereto as Exhibit 77 is a true and correct copy of a July 7, 2009 document  
23 entitled, "Arista Usability Comparison Study: EOS and NX-OS from the IOS User Perspective,"  
24 bearing Bates numbers ANI-ITC-944\_945-3452526 through ANI-ITC-944\_945-3452598.

80. Attached hereto as Exhibit 79 is a true and correct copy of a September 17, 2012 email from Adam Sweeney to Nathan Kitchen, Teague Bick and others bearing Bates number ARISTANDCA10549782.

82. Attached hereto as Exhibit 81 is a true and correct copy of a February 14, 2014 email from Jayshree Ullal to Mark Smith and Mark Foss with thread bearing Bates numbers ARISTANDCA12229610 through ARISTANDCA12229612.

83. Attached hereto as Exhibit 82 is a true and correct copy of a March 2, 2015 email from Jeff Raymond to Martin Hull with thread bearing Bates numbers ARISTANDCA11975291 through ARISTANDCA11975295.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in San Francisco, on June 30, 2016.

10

DECLARATION OF AMY H. CANDIDO IN SUPPORT OF  
CISCO'S MOTION FOR PARTIAL SUMMARY JUDGMENT